

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

SYLVESTER MCCLAIN, on his own
behalf and on behalf of a class of similarly
situated persons, et al.,

Plaintiffs,

vs.

LUFKIN INDUSTRIES, INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 9:97-CV-063

JUDGE CLARK

DEFENDANT LUFKIN INDUSTRIES, INC.'S
UNOPPOSED MOTION FOR AN ORDER RELEASING LUFKIN INDUSTRIES AND
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA FROM
OBLIGATIONS UNDER SUPERSEDEAS BOND

Lufkin Industries requests an Order releasing Lufkin Industries and its Surety from their obligations on the superseadeas bond.

On January 26, 2010, the Court approved a supersedeas bond in the amount of \$5,583,365.55 for backpay awarded by the Court, prejudgment interest, postjudgment interest, and administrative costs. Travelers Casualty and Surety Company of America, as surety, agreed to be liable for all damages and costs that might be awarded against Lufkin Industries.

On November 18, 2011, the Court entered an Order to Distribute Funds, and Lufkin Industries paid the full amounts guaranteed by the superseadeas bond on December 1, 2011.

Travelers Casualty and Surety Company of America has requested that Lufkin Industries obtain an Order from the Court releasing it of its obligations with respect to the superseadeas bond. Lufkin Industries hereby requests such an Order.

Plaintiffs are unopposed to this Motion.

Respectfully submitted,

/s Christopher V. Bacon

DOUGLAS E. HAMEL

Attorney-In-Charge

dhamel@velaw.com

State Bar No. 08818300

CHRISTOPHER V. BACON

Of Counsel

cbacon@velaw.com

State Bar No. 01493980

2300 First City Tower

1001 Fannin Street

Houston, Texas 77002-6760

(713) 758-2036 (Telephone)

(713) 615-5388 (Telecopy)

OF COUNSEL:

VINSON & ELKINS L.L.P.

1001 Fannin Street

Houston, Texas 77002-6760

ATTORNEYS FOR LUFKIN INDUSTRIES, INC.

CERTIFICATE OF CONFERENCE

The undersigned counsel has conferred with Plaintiffs' Counsel regarding this Motion, and Plaintiffs' counsel is unopposed.

/s Christopher V. Bacon

Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that on this 14th day of February 2012, a copy of the foregoing document was filed electronically through the Court's CM/ECF System and was automatically copied to Plaintiffs through the Court's electronic filing system.

/s Christopher V. Bacon

Attorney for Defendant